

ADDENDUM TO THE
MEMORANDUM OF UNDERSTANDING

US EPA RECORDS CENTER REGION 5



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WHEREAS, the Minnesota Department of Transportation (hereafter "Mn/DOT"), the Minnesota Pollution Control Agency (hereafter "PCA"), the Minnesota Department of Health (hereafter "MDH"), and the City of St. Louis Park (hereafter "City") entered into a Memorandum Of Understanding regarding the proposed extension of Louisiana Avenue in the City of St. Louis Park in July, 1978; and

WHEREAS, the Memorandum Of Understanding recognized that a phased construction of Louisiana Avenue would mitigate increased construction costs due to inflation, avoid any aggravation of the ground water contamination and any increase in the cost of remedial measures, and permit time to acquire additional information about the extent of contamination and the necessary remedial measures before completion of construction; and

WHEREAS, Mn/DOT and the City agreed by the Memorandum Of Understanding that no construction shall be commenced in that area north of LA P.O.T. 30 plus 00 (boring No. 5) until such time as approval is given for such construction by Mn/DOT after consultation with PCA and MDH; and

WHEREAS, studies regarding the extent of contamination and the necessary remedial measures have continued since the date of the Memorandum Of Understanding; and

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WHEREAS, the parties have met and consulted and kept each other informed of the progress of all construction, studies, and evaluations regarding Louisiana Avenue, the ground water contamination, and the possible remedial measures; and

WHEREAS, the City has presented Proposals for a Louisiana Avenue Interim Solution for the completion of the extension of Louisiana Avenue that calls for both permanent and temporary construction; and

WHEREAS, the Proposals have been reviewed by the staffs of PCA and MDH resulting in agreement to an Interim Plan, which plan is specifically set forth in Construction Plan for Grading, Paving, Storm Sewer of the City of St. Louis Park and the Minnesota Department of Transportation signed June 17, 1980; and

WHEREAS, the staffs of PCA and MDH recommended approval of the Interim Plan subject to certain conclusions; and

WHEREAS, the Interim Plan furthers the purpose of mitigating increased construction costs due to inflation and is designed in light of the additional knowledge regarding the ground water contamination and the possible remedial measures acquired as a result of the continuing study so as to avoid any aggravation of the ground water contamination and any increase in the cost of remedial measures; and


WHEREAS, the PCA received the comments and recommendations of approval from the staffs of PCA and MDH on April 8, 1980, and June 24, 1980, and directed its Executive Director to recommend approval of the Interim Plan to the Commissioner of Mn/DOT subject to those certain conclusions prescribed in the PCA Resolution of April 8, 1980, as amended by the PCA Resolution of June 24, 1980, which Amended Resolution is attached as Exhibit A; and

WHEREAS, the Commissioner of Mn/DOT, MDH, and the City approve of the Interim Plan and those certain conclusions of the PCA; and

WHEREAS, the City has formally obligated itself to pay certain costs as set forth in Resolution No. 6621 attached as Exhibit B;


THEREFORE, IT IS AGREED THAT:

1. The extension of Louisiana Avenue shall be completed pursuant to the Interim Plan and those certain conclusions of PCA as set forth in the PCA Amended Resolution of June 24, 1980.



RICHARD P. BRAUN
Commissioner, Minnesota
Department of Transportation

Dated: 8/22/80



GEORGE R. PETTERSEN, M.D.
Commissioner of Health

Dated: Aug 20, 1980

Virgil L. Henrich - Vice Chairman
ART ENGELBRECHT, Chairman
Minnesota Pollution Control
Agency

Dated: 8/21/80

Terry M. Hoffman
TERRY M. HOFFMAN
Executive Director
Minnesota Pollution Control
Agency

Dated: 8/21/80

Phyllis W. McQuaid
PHYLLIS W. McQUAID, Mayor
City of St. Louis Park

Dated: 8-21-80

James L. Brimeyer
JAMES L. BRIMEYER
City Manager
City of St. Louis Park

Dated: 8-20-80

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Pollution Control Agency and MDH staff have reviewed the proposal, data from studies of the area, including 25 borings along the proposed Louisiana Avenue extension route, and have come to the following conclusions:

1. There is evidence of some contamination along portions of the proposed Louisiana Avenue extension between the railroad bridges and the railroad spur track. Borings indicate moderate contamination of surficial soils which could be removed during excavation of the peat soils. The slight contamination found at deeper depths is considerably less, and the proposed roadway would not likely be subject to future excavation needs.
2. More heavily contaminated material to a depth of about 20 feet was noted in borings taken just south of the railroad spur track. The contamination appeared to be of such magnitude that excavation at that point remains a possibility. Permanent construction should, therefore, be terminated at least 50 feet south of the spur track.
3. With termination of excavation and permanent construction at least 50 feet south of the spur track, construction of the proposed Louisiana Avenue Extension, temporary frontage roads and the temporary roadway connecting West Lake Street and Walker Street should not appreciably impact the degree or spread of soil and ground water contamination, nor does construction of the proposed permanent segment of road appear to impact feasible ground water remedial actions.

Number 4. Stockpiling of peat material excavated from the proposed permanent roadway can be satisfactorily conducted on the Oak Park Village site - Block 8. Soils identified as contaminated by field inspection can be stockpiled near the proposed south frontage road. This area has been found to be contaminated and no permanent construction should take place in that area until all appropriate remedial actions are determined. After this road construction project is completed, further soil stockpiling on Block 8 of Oak Park Village should not be conducted without consulting the Housing and Redevelopment Authority and obtaining approval of the Agency and Department of Health. Grading and landscaping of the Block 8 stockpile should be included in the Louisiana Avenue construction contract. The storage site for the contaminated soils should be fenced as directed by Agency and Minnesota Department of Health staff to limit access.

5. Available data indicates there is ground water contamination in the area of the proposed peat soil removal. Since dewatering operations would have to be carefully designed not to enhance contaminant spread, and since the City's representatives have stated the construction can be completed without any dewatering, dewatering should not be conducted for any of the proposed construction unless specifically approved by the PCA and MDH.

6. The area between Walker Street on the north and West Lake Street on the south has been found to be heavily contaminated. Excavation of portions of this area remains a possibility, and, therefore, no permanent construction should be allowed in that area at this time.

Number 7. As a condition for the Minnesota Department of Transportation approval of the Interim Plan, the City must formally obligate itself to pay any costs for removal, replacement, repair, or protection of Louisiana Avenue extension which later may be required because of necessary ground water remedial actions. The City must commit \$450,000, plus any additional sums as necessary due to inflation of construction costs subsequent to June, 1980, for these purposes. In the event of impacts to the Louisiana Avenue extension from ground water remedial actions, the City reserves the right to design and construct the replacement road, or an appropriate alternative, subject to prior review of engineering and design by the Minnesota Department of Transportation and the environmental and health impacts by the Minnesota Department of Health and the Agency.

RESOLUTION No. 6621

A RESOLUTION REGARDING CONTINGENT COSTS FOR THE
COMPLETION OF THE EXTENSION OF LOUISIANA AVENUE
PURSUANT TO THE INTERIM PLAN

BE IT RESOLVED by the City Council of St. Louis Park, Minnesota:

That the City agrees to pay the cost of any removal, replacement, repair or protection of the federally funded portion of Louisiana Avenue constructed under the Interim Plan that is between West Lake Street and a point 200 feet north of the LA P.O.T. 30 plus 00 (Boring No. 5) should that become necessary because of groundwater remedial actions. The City reserves in this undertaking the right to design and construct that repair, replacement, or any appropriate alternative thereto subject to prior review of the engineering and the design by the Minnesota Department of Transportation and to prior review of any environmental and health impacts by the Minnesota Pollution Control Agency and the Minnesota Department of Health.

In adopting this Resolution, the City Council recognizes that the current estimated cost of replacement of the identified portion of Louisiana Avenue is \$450,000. It further recognizes, on the basis of current financial information, that the City will be able to perform the undertaking of this Resolution in the future by issuance of general obligation bonds or otherwise without exceeding levy limitations.

Adopted by the City Council, August 18, 1980

John J. Quaid
Mayor

Attest:

Ann M. G. Klump
Administrative Assistant

Reviewed for Administration

James A. Brumyer
City Manager

Approved as to form and legality:

James A. Brumyer
City Attorney